

Peggy Hunt (Utah State Bar No. 6060)
222 South Main Street, 5th Floor
Salt Lake City, UT 84101
Telephone: (801) 478-6913
Email: huntrustee@gtlaw.com

Chapter 7 Trustee

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH**

In re:

JARED BELCHER,
Debtor.

Case No. 20-22819

Chapter 7

The Honorable R. Kimball Mosier

**CHAPTER 7 TRUSTEE'S MOTION FOR TURNOVER
OF TAX RETURNS AND TAX REFUNDS**

Peggy Hunt, the duly appointed Chapter 7 Trustee (the “Trustee”), pursuant to 11 U.S.C. §§ 521 and 542 and Federal Rule of Bankruptcy Procedure 9014, hereby requests that the Court enter an Order requiring the Debtor(s) to turnover copies of their 2020 Federal and State Tax Returns (the “Returns”) to the Trustee and any tax refunds as set forth in greater detail below. In support hereof, the Trustee states as follows:

JURISDICTION AND VENUE

1. The Court has jurisdiction over this Motion under 28 U.S.C. §§ 157 and 1334.
2. Venue is proper pursuant to 28 U.S.C. §§ 1391, 1408 and 1409.
3. This is a core proceeding pursuant to 28 U.S.C. § 157(b).

BACKGROUND

4. The Trustee is the duly appointed Chapter 7 Trustee in this bankruptcy case.

5. At the meeting of creditors held in this case, the Trustee orally directed the Debtor(s) to, among other things, (a) provide her with copies of their 2020 returns immediately upon filing (the “Returns”) and (b) turnover any 2020 refund checks to the Trustee (the “Refunds”) immediately upon receipt. The Debtor(s) orally agreed that they understood and would comply with these requests.

6. At the meeting of creditor, the Trustee also issued a directive to the Debtor(s), directing the Debtor(s) to turnover a copy of the Returns to her and refund checks, if any. The Debtor(s) failed to comply with this directive.

7. As of this date, the Debtor(s) have failed to turnover copies of the Returns to the Trustee.

8. Because the Trustee does not have copies of the Returns, she is unable to determine if the Debtor(s) have Refunds that are property of the estate pursuant to 11 U.S.C. § 541. In the event that the Debtor(s) had any Refunds in 2020 and the Trustee determines that such Refunds are property of the estate that should be administered for the benefit of creditors, the Trustee further requests that the Debtor(s) be ordered to turn those Refunds over to the Trustee within ten (10) days of any written demand made on the Debtor(s) by the Trustee for turnover of those Refunds.

WHEREFORE, for the reasons discussed herein, the Trustee requests that the Court grant this Motion and (a) enter an Order requiring the Debtor(s) to turnover and deliver to the Trustee copies of the Returns no later than ten (10) days from the date of the entry of such Order, (b)

requiring the Debtor to turnover and deliver to the Trustee any Refunds determined by the Trustee to be property of the estate no later than ten (10) days from the date that the Trustee serves a written demand on the Debtor(s) for turnover of such Refunds, and (c) for such other further relief as is appropriate under the circumstances.

DATED this 10th day of June, 2021.

/s/
Peggy Hunt
Chapter 7 Trustee

CERTIFICATE OF SERVICE – BY NOTICE OF ELECTRONIC FILING (CM/ECF)

I hereby certify that on this 10th day of June, 2021, I electronically filed the foregoing **CHAPTER 7 TRUSTEE'S MOTION FOR TURNOVER OF TAX RETURNS AND TAX REFUNDS** with the United States Bankruptcy Court for the District of Utah by using the CM/ECF system. I further certify that the parties of record in this case, as identified below, are registered CM/ECF users.

- **Russell C. Skousen** rskousen@skousenpenney.com
- **Peggy Hunt** huntrustee@gtlaw.com
- **United States Trustee** USTPRegion19.SK.ECF@usdoj.gov

CERTIFICATE OF SERVICE – MAIL, OTHER

I hereby certify that on this 10th day of June, 2021, I caused to be served a true and correct copy of the foregoing Motion as follows:

Mail Service – By regular first class United States Mail, postage fully pre-paid, addressed to:

Jared Belcher
13891 Newberg Drive
Herriman, UT 84096

/s/ Erin Johnson